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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONERS

GARY PIERCE - Chairman  
BOB STUMP  
SANDRA D. KENNEDY  
PAUL NEWMAN  
BRENDA BURNS

AZ CORP COMMISSION  
DOCKET CONTROL

DOCKETED BY	
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IN THE MATTER OF THE APPLICATION  
OF NETWORK US, INC., DBA CA  
AFFINITY, FOR APPROVAL OF A  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE RESOLD LONG  
DISTANCE TELECOMMUNICATIONS  
SERVICES.

DOCKET NO. T-04013A-02-0949

PROCEDURAL ORDER

**BY THE COMMISSION:**

On October 8, 2002, Network US, Inc. dba CA Affinity ("Network US") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("CC&N") to provide intrastate resold long distance telecommunications services in Arizona.

On December 16, 2002, Network US filed affidavits of publication showing that notice of its application had been published in October 2002 in 15 different newspapers throughout Arizona.

On March 5, 2003, the Commission's Utilities Division ("Staff") issued Staff's First Set of Data Requests.

On March 12, 2003, Network US filed a Response to Staff's First Set of Data Requests.

On March 31, 2003, Network US filed copies of financial information and affidavits of publication.

No filings were made in the docket between March 31, 2003, and March 25, 2004.

On March 25, 2004, Network US filed a revised tariff.

No filings were made in the docket between March 25, 2004, and February 17, 2006.

On February 17, 2006, Staff issued Staff's Second Set of Data Requests, instructing Network US that its application was not sufficient and requesting that Network US provide the information requested to Docket Control within 30 days.

1 No filings were made in the docket between February 17, 2006, and February 12, 2007.

2 On February 12, 2007, Staff issued Staff's Third Set of Data Requests, instructing Network  
3 US that its application was not sufficient and requesting that Network US provide the information  
4 requested to Docket Control within 45 days.

5 On March 22, 2007, Network US filed Responses to Staff's Letter of Insufficiency and Third  
6 Set of Data Requests, with attachments including a revised application.

7 On April 3, 2007, Network US filed Responses to Staff's Additional Data Requests, with  
8 attachments including financial data from 2005 and 2006.

9 No filings were made in the docket between April 3, 2007, and August 17, 2011.

10 On August 17, 2011, Staff filed a Memorandum recommending that this docket be  
11 administratively closed. Staff stated that it had twice (August 2009 and March 2010) telephoned  
12 Becky Heggelund, of the firm identified as representing Network US in its application, to request  
13 Network US's updated financial statements. Staff reported that Ms. Heggelund had told Staff that  
14 she had made numerous telephone calls attempting to contact Network US's Management of Record,  
15 Tara Rodriguez, but with no success. Staff stated that Staff had also made numerous attempts to  
16 contact Ms. Rodriguez (10 telephone calls, three e-mails, and a fax message) before Staff had been  
17 able to talk to Ms. Rodriguez on July 27, 2010. Staff stated that Ms. Rodriguez had acknowledged  
18 that she had received all of Staff's messages, but explained that she had not responded because  
19 Network US's owner was out of the country, and Ms. Rodriguez was unwilling to answer any of  
20 Staff's questions without first speaking to Network US's owner. Staff reported that Ms. Rodriguez  
21 had said that she would contact Staff after she talked to Network US's owner. Staff stated that it had  
22 made additional telephone calls to Ms. Rodriguez on March 1, 2011, and June 2, 2011, but had not  
23 received a response. Staff further stated that Staff had sent its Fourth Set of Data Requests by  
24 Certified Mail through Network US's statutory agent to Brian Sledz, identified in the application as  
25 Network US's President and 50 percent owner, and that Network US had not replied although the  
26 Fourth Set of Data Requests had been received by the agent on June 9, 2011. Staff stated that the  
27 letter accompanying the Fourth Set of Data Requests had stated that Network US's failure to respond  
28 within 30 days would result in termination of Network US's application. Staff recommended that

1 this docket be administratively closed because Network US's failure to respond to Staff's latest letter  
2 indicated that Network US does not intend to pursue its application.

3 Network US has not filed any response to the Staff Memorandum.

4 On September 16, 2011, a Procedural Order was issued requiring Network US to file with the  
5 Commission's Docket Control, by October 17, 2011, a document explaining whether Network US  
6 was currently providing telecommunications services in Arizona and the nature of any such services,<sup>1</sup>  
7 stating whether Network US still intends to obtain a CC&N in Arizona, and responding to Staff's  
8 Memorandum.

9 Network US has not made the filing required by the Procedural Order. Thus, it is now  
10 reasonable and appropriate to close this docket. It is also reasonable and appropriate to put Network  
11 US on notice that Commission rules require any telecommunications company providing intrastate  
12 telecommunications services in Arizona to obtain a CC&N and that Arizona statutes authorize the  
13 Commission to impose penalties on companies that fail to observe or comply with any order, rule, or  
14 requirement of the Commission. (See A.A.C. R14-2-1103; A.R.S. § 40-424.)

15 IT IS THEREFORE ORDERED that **this docket is hereby administratively closed.**

16 IT IS FURTHER ORDERED that **Network US is put on notice** that Commission rules  
17 require any telecommunications company providing intrastate telecommunications services in  
18 Arizona to obtain a CC&N and that Arizona statutes authorize the Commission to impose penalties  
19 on companies that fail to observe or comply with any order, rule, or requirement of the Commission.  
20 (See A.A.C. R14-2-1103; A.R.S. § 40-424.)

21 DATED this 13<sup>th</sup> day of December, 2011.

22  
23  
24   
25 SARAH N. HARPRING  
ADMINISTRATIVE LAW JUDGE

26 <sup>1</sup> Staff's Memorandum stated that Network US had filed annual reports with Staff for the years ending 2004 through  
27 2008 and had indicated in its 2008 annual report that Network US had been providing long distance telecommunications  
28 services to Arizona business customers in 2008. Staff also stated that no complaints, inquiries, or opinions had been filed  
against Network US during the period from January 1, 1999, through July 6, 2011, and that Network US's authority to  
conduct business in Arizona had been revoked on July 12, 2010.

1 Copies of the foregoing mailed/delivered  
this 13th day of December, 2011, to:

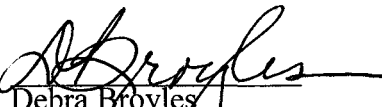
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15 By:   
16 Debra Broyles  
17 Secretary to Sarah N. Harpring